

REMARKS

Reconsideration and entry of the above amendments and the following remarks are respectfully requested. Claims 1, 10 and 18 have been amended. Claims 4, 13 and 21 have been canceled. Claims 1-3, 5-7, 9-12, 14-20 and 22-24 remain pending.

Claims 1-9 and 18-25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Worhach et al and claims 10-17 stand rejected as being unpatentable over Worhach et al. in view of Puri. These rejections are respectfully traversed.

Claim 1 has been amended to include the subject matter of claim 4, claim 10 has been amended to include the subject matter of claim 13 and claim 18 has been amended to include the subject matter of claim 21. In particular, each of claims 1, 10 and 18, as amended, recites that the modeling occurs within approximately one half hour.

Thus, as noted at page 4 of the specification, with the modeling of the invention, it possible for an electronics assembly equipment salesperson or consultant to generate a simulation model for purposes of a sales pitch or a consulting project within approximately half an hour, or even less, to conduct model-based prediction of system performance under various configuration assumptions, and finally, to generate for an actual or prospective customer one or more expected cost of ownership values for particular configuration assumptions. In other words, the consultant or salesperson can generate and evaluate configuration options for a customer in “real time” or “on the fly”, during the course of a session with the customer.

The Examiner contends that “the Internet based implementation of Worhach et al. inherently proposes solutions in under one-half hour.”

As specified in MPEP §2131: “‘A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference’ *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... ‘The identical invention must be shown in as complete detail as is contained in the ... claim.’ *Richardson v. Suzuki Motor*

Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).” MPEP 2131 (Rev. 2, May 2004, at p. 2100-73).

The Examiner is directed to MPEP 2112 (“The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In re Rijckaert, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993)(reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); ... ‘The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’” (quoting In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999))).

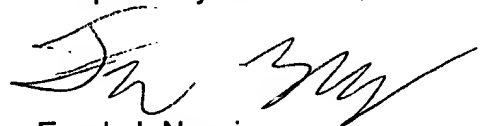
When the Examiner alleges that a certain result is inherent in the operation of a reference, it must appear that this is necessarily so without any doubt. Ex parte Ruskin, 95USPQ 96 (Pat. Ofc. Bd. App. 1951).

Applicants submit that Internet-based implementations can occur in a time frame substantially greater than the claimed one-half hour time frame, therefore creating the above-mentioned doubt.

For reasons set forth above, the Examiner's inherency position is not proper. Therefore, the rejections are improper and should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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